

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

Claims 1-32 were under 35 U.S.C. Section 103(a) as allegedly being made "obvious" by Oki (U.S. Patent No. 5,859,969) in view of Nakagawa et al. (U.S. Patent No. 5,835,911) and claim 33 was rejected as allegedly being made "obvious" by the proposed Oki-Nakagawa et al. combination, in further view of the admitted prior art described in the subject patent application.

While not acquiescing in these rejections or in the characterizations of the applied documents made in the office action, independent claim 1 has been amended to recite *providing a program list which prioritizes programs that are likely to be operable an operating environment of a user system*. This feature finds support, for example, on pages 38-41 of the subject patent application. A similar feature has been added to the other independent claims.

The present application describes, by way of example and without limitation, systems and methods in which a list of programs may be presented at a user system based on a user-system operating environment determined with reference to, for example, optional equipment added to a base system. A user can select a program to install from the list and, when operation of the program in the user system is confirmed, a payment process is performed. This permits smooth operation of installing a program in the user system.

Applicant respectfully submits that neither Oki nor Nakagawa et al. discloses or suggests the above-italicized program list feature.

In Oki, a user selects keywords from a first key table 32 and a second key table 33 corresponding to the first keyword, inputs keywords to terminal 23 and requests host computer 21 to send a software list. See S4-S10 in Figures 3 and 4 and col. 6, line 44 to col. 7, line 23 of Oki. Consequently, a software list in Oki is generated by the user. Oki does not disclose or suggest the above-italicized feature of a program list which prioritizes programs that are likely to be operable in the operating environment of a user system.

Nakagawa et al. is cited in the office action as allegedly showing the claimed confirmation feature. See 4/30/2008 Office Action, page 4. Like Oki, Nakagawa et al. does not disclose a program list which prioritizes program as claimed. Consequently, even assuming for

NOMURA et al.

Appl. No. 09/892,747

Response to Office Action dated April 30, 2008

the sake of argument that an appropriate basis would have existed for combining these references, the result of the combining would be deficient with respect to the pending claims at least with respect to this program list feature.

The admitted prior art referenced in connection with the rejection of claim 33 likewise does not disclose or suggest the claimed program list feature.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

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